

# **Part 4: Intellectual/Developmental Disabilities Services Waivers**

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### **Section 4.1: Medicaid Waiver Overview**

The Medicaid Waiver program began in 1981, in response to the national trend toward providing Home and Community-Based Services (HCBS). In the past, Medicaid paid only for institutionally based long term care services, such as nursing facilities and group homes.

The Medicaid Home and Community-Based Services (HCBS) waiver program is authorized in §1915(c) of the Social Security Act. The program permits a State to furnish an array of home and community-based services that assist Medicaid beneficiaries to live in the community and avoid institutionalization. The State has broad discretion to design its waiver program to address the needs of the waivers' target population.

Waiver services complement and/or supplement the services that are available to participants through the Medicaid State plan and other federal, state and local public programs as well as the supports that families and communities provide.

The Centers for Medicare & Medicaid Services (CMS) recognizes that the design and operational features of a waiver program will vary depending on the specific needs of the target population, the resources available to the State, service delivery system structure, State goals and objectives, and other factors. A State has the latitude to design a waiver program that is cost-effective and employs a variety of service delivery approaches, including participant direction of services.

Indiana applies for permission to offer Medicaid Waivers from the Centers' for Medicare and Medicaid Services (CMS). The Medicaid Waivers make use of federal Medicaid funds (plus state matching funds) for Home and Community-Based Services (HCBS), as an alternative to institutional care, under the condition that the overall cost of supporting people in the home or community is no more than the institutional cost for those people.

The goals of Waiver services are to provide to the person meaningful and necessary services and supports, to respect the person's personal beliefs and customs, and to ensure that services are cost-effective.

Specifically, waivers for individuals with an intellectual/developmental disability assist a person to:

- Become integrated in the community where he/she lives and works
- Develop social relationships in the person's home and work communities
- Develop skills to make decisions about how and where the person wants to live
- Be as independent as possible

DDRS oversees two waiver programs: The Family Supports Waiver posted at <http://www.in.gov/fssa/files/FSW.pdf> and the Community Integration and Habilitation Waiver posted at [http://www.in.gov/fssa/files/CIH\\_Waiver.pdf](http://www.in.gov/fssa/files/CIH_Waiver.pdf)

### **Section 4.2: State Definition of Developmental Disability**

Individuals meeting the state criteria for an intellectual/developmental disability and meeting the criteria for an ICF/ID level of care determination are eligible to receive waiver services when approved by the state.

Per Indiana Code [IC 12-7-2-61], "Developmental Disability" means a severe, chronic disability of an individual that meets all of the following conditions:

- Is attributable to:
  - o intellectual disability, cerebral palsy, epilepsy, or autism; or
  - o any other condition (other than a sole diagnosis of mental illness) found to be closely related to intellectual disability, because this condition results in similar impairment of general intellectual functioning or adaptive behavior or requires treatment or services similar to those required for a person with an intellectual disability.
- Is manifested before the individual is twenty-two (22) years of age.
- Is likely to continue indefinitely.
- Results in substantial functional limitations in at least three (3) of the following areas of major life activities:
  - o Self-care.
  - o Understanding and use of language.
  - o Learning.
  - o Mobility.
  - o Self-direction.
  - o Capacity for independent living.
  - o Economic self-sufficiency.

An individual with an intellectual/developmental disability must also be found to meet the federal level of care requirements for admission into an ICF/ID and be approved for entrance into the waiver program prior to receiving waiver funded services through an Indiana Medicaid Home and Community Based Services waiver program operated by the Division of Disability and Rehabilitative Services. See **PART 5: Section 5.3: Initial Level of Care Evaluation** for details.

### **Section 4.3: Cost Neutrality**

Indiana must demonstrate that average per capita expenditure for the Family Supports Waiver and the Community Integration and Habilitation Waiver program participants are equal to or less than the average per capita expenditures of institutionalization for the same population. Indiana must demonstrate this cost neutrality for each waiver separately.

### **Section 4.4: Medicaid Prior Authorization**

CMS **requires** that a HCBS waiver member exhaust all services on the State Plan before utilizing HCBS waiver services. **HCBS waiver programs are considered funding of last resort and have a closed funding stream.** Please reference Section 3.6 of this manual for more specific information.

### **Section 4.5: Family Supports Waiver (FSW)**

#### **PURPOSE:**

The Family Supports Waiver (FSW) program provides Medicaid Home and Community-Based Services (HCBS) to participants of any age residing in a range of community settings as an alternative to care in an intermediate care facility for persons with intellectual disability (known as an ICF/ID) or related conditions. The FSW serves persons with an intellectual/developmental disability, intellectual disability or autism and who have substantial functional limitations, as defined in 42 CFR 435.1010. Participants may choose to live in their own home, family home, or community setting appropriate to their needs. Participants develop an Individual Service Plan (ISP) using a person centered planning process guided by an Individual Support Team (IST). The IST is comprised of the participant, their case manager and anyone else of the participant's choosing but typically family and/or friends. The participant with the IST selects services, identifies service providers of their choice and develops a Plan of Care/Cost Comparison Budget (CCB). **The CCB is subject to an annual waiver services cost cap of \$16,250.**

#### **GOALS and OBJECTIVES:**

The FSW provides access to meaningful and necessary home and community-based services and supports, seeks to implement services and supports in a manner that respects the participant's personal beliefs and customs, ensures that services are cost-effective, facilitates the participant's involvement in the community where he/she lives and works, facilitates the participant's development of social relationships in his/her home and work communities, and facilitates the participant's independent living.

#### **LIST OF SERVICES AVAILABLE:**

- Adult Day Services
- Behavioral Support Services

- Case Management
- Community Based Habilitation - Group
- Community Based Habilitation - Individual
- Facility Based Habilitation - Group
- Facility Based Habilitation - Individual
- Facility Based Support Services
- Family and Caregiver Training
- Intensive Behavioral Intervention
- Music Therapy
- Occupational Therapy
- Participant Assistance and Care
- Personal Emergency Response System
- Physical Therapy
- Psychological Therapy
- Prevocational Services
- Recreational Therapy
- Respite
- Specialized Medical Equipment and Supplies
- Speech /Language Therapy
- Supported Employment Follow Along
- Transportation
- Workplace Assistance

#### **Section 4.6: Community Integration and Habilitation Waiver (CIHW)**

##### **PURPOSE:**

The **Community Integration and Habilitation Waiver (CIHW)** program provides Medicaid Home and Community-Based Services (HCBS) to participants of any age residing in a range of community settings as an alternative to care in an intermediate care facility for persons with intellectual disabilities (known as an ICF/ID) or related conditions. The CIHW serves persons with an intellectual/developmental disability, intellectual disability or autism who have substantial functional limitations, as defined in 42 CFR 435.1010. However, entrance into services under the CIH Waiver occurs only when an applicant has been determined by the Division of Disability and Rehabilitative Services (DDRS) to meet priority criteria of one or more federally approved reserved capacity categories, a funded slot is available and DDRS also determines that other placement options are neither appropriate nor available.

When priority access has been deemed appropriate and a priority waiver slot in the specific reserved capacity category met by the applicant remains open, participants may choose to live in their own home, family home, or community setting appropriate to their needs. Participants develop an Individual Service Plan (ISP) using a person centered planning process guided by an Individual Support Team (IST). The IST is comprised of the participant, their Case Manager and anyone else of the participant's choosing but typically family and/or friends. The participant

with the IST selects services, identifies service providers of their choice and develops a Plan of Care/Cost Comparison Budget (CCB).

**GOALS and OBJECTIVES:**

The CIHW provides access to meaningful and necessary home and community-based services and supports, seeks to implement services and supports in a manner that respects the participant's personal beliefs and customs, ensures that services are cost-effective, facilitates the participant's involvement in the community where he/she lives and works, facilitates the participant's development of social relationships in his/her home and work communities, and facilitates the participant's independent living.

**LIST OF SERVICES AVAILABLE:**

- Adult Day Services
- Behavioral Support Services
- Case Management
- Community Based Habilitation - Group
- Community Based Habilitation - Individual
- Community Transition
- Electronic Monitoring
- Environmental Modifications
- Facility Based Habilitation - Group
- Facility Based Habilitation - Individual
- Facility Based Support Services
- Family and Caregiver Training
- Intensive Behavioral Intervention
- Music Therapy
- Occupational Therapy
- Personal Emergency Response System
- Physical Therapy
- Psychological Therapy
- Prevocational Services
- Recreational Therapy
- Rent and Food for Unrelated Live-in Caregiver
- Residential Habilitation and Support
- Respite
- Specialized Medical Equipment and Supplies
- Speech /Language Therapy
- Structured Family Caregiving
- Supported Employment Follow Along
- Transportation
- Workplace Assistance

